

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 15-48046

VALENDER C. SMITH, and
ANDREA C. SMITH,

Chapter 13

Judge Thomas J. Tucker

Debtors.

**ORDER DENYING, WITHOUT PREJUDICE, THE DEBTOR ANDREA C. SMITH'S
MOTION FOR DESIGNATION TO ALLOW ANDREA SMITH TO ACT ON BEHALF
OF DECEASED DEBTOR, VALENDER SMITH**

This case is before the Court on the motion filed by the Debtor Andrea C. Smith on June 2, 2020, entitled "Motion for Designation to Allow Andrea Smith To Act on Behalf of Deceased Debtor, Valendar Smith" (Docket # 164, the "Motion"). Among other things, the Motion states that the Debtor Valender C. Smith died on October 8, 2019.

The Motion must be denied because the Motion does not demonstrate that the movant, Andrea C. Smith, has yet been validly appointed as the personal representative of the estate of the deceased Debtor Valender C. Smith. The surviving Debtor, Andrea C. Smith, says that she is named as personal representative for the estate of Valender C. Smith in Mr. Smith's Will. But this, without more, is not sufficient to make Andrea C. Smith such a personal representative under Michigan law, as the Court has explained in the other Order being entered today.

Accordingly,

IT IS ORDERED that the Motion (Docket # 164) is denied.

IT IS FURTHER ORDERED that this Order is without prejudice to the right of a duly appointed personal representative of the deceased Debtor to file a motion seeking the same relief that was sought by the present Motion.

Signed on June 4, 2020



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge